

# Exhibit 9



IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

NETLIST, INC., ( CAUSE NO. 2:21-CV-463-JRG  
)  
Plaintiff, ( )  
vs. ( )  
SAMSUNG ELECTRONICS CO., LTD., ( )  
et al., ( ) MARSHALL, TEXAS  
( ) APRIL 19, 2023  
Defendants. ( ) 8:30 A.M.

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VOLUME 4

TRIAL ON THE MERITS

BEFORE THE HONORABLE RODNEY GILSTRAP  
UNITED STATES CHIEF DISTRICT JUDGE  
and a jury

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1 THE COURT: Be seated, please.

2 Are the parties prepared to read into the record those  
3 items from the list of pre-admitted exhibits used during  
4 yesterday's portion of the trial?

5 MS. TRUELOVE: Yes, Your Honor.

6 THE COURT: Please proceed.

7 MS. TRUELOVE: Thank you, Your Honor.

8 Plaintiff Netlist used the following four exhibits during  
9 yesterday's presentation: JTX 0022, JTX 0023, JTX 0027, and  
10 JTX 0041.

11 THE COURT: Any objection from Defendants?

12 MS. SMITH: No, Your Honor.

13 THE COURT: Do Defendants have a similar rendition  
14 to read into the record?

15 MS. SMITH: We do, Your Honor.

16 THE COURT: Please proceed.

17 MS. SMITH: Your Honor, Samsung used DTX 30, JTX 23,  
18 JTX 48, and JTX 65.

19 THE COURT: All right. Any objection from Plaintiff  
20 Netlist?

21 MS. TRUELOVE: No objection, Your Honor.

22 THE COURT: All right. Thank you, counsel.

23 All right. Samsung, are you prepared to go forward with  
24 Mr. McAlexander as your next witness?

25 MR. CORDELL: Yes, we are, Your Honor.

1 they do not do direct. They do not create intellectual  
2 property. They do not create inventions, innovative products  
3 like we do, and they are SMART Modular, Viking Components,  
4 perhaps Virtium is a competitor.

5 Q. Anyone else?

6 A. I think that's all I'm aware of.

7 Q. Okay. And so you wouldn't consider Samsung a competitor.  
8 Is that right?

9 A. Samsung becomes a competitor when they take our high-end  
10 technology and water it down into a commodity product. And  
11 when they do that, it makes it difficult for us to sell our  
12 proprietary solutions.

13 Q. And when you say they 'water it down into commodity',  
14 what commodity products are you talking about?

15 A. I think we just covered that. Amongst the handful of  
16 memory modules that we discuss, they all contain on them  
17 voltage regulators, which is our invention, and DDR5 memory  
18 cannot be made, you know, commercially viable. They cannot be  
19 made at all without that.

20 Now, when -- we will apply that -- we applied that on  
21 NVDIMM initially. We applied it on -- today as we build a  
22 DDR5 VLP RDIMM, a very high-end product that no one else  
23 offers. When they take that technology, the voltage  
24 on-DIMM -- voltage regulator on-DIMM technology, that was  
25 designed in order to make those high-end products perform

1 and work properly. When they take that design and apply it  
2 to low-end products, like the PC products, commodity, popcorn  
3 products, then they water down the value of the technology  
4 that we created.

5 So in that sense, yeah, they're using our technology and  
6 kind of neutering it. Then that devalues our technology. So  
7 I will consider that competition.

8 Q. Who did you first approach with Samsung?

9 A. Did we first approach Samsung? Well, in regards to the  
10 patents licensing -- in regards to the patent license, Samsung  
11 approached us first --

12 Q. Okay.

13 A. -- seeking a license.

14 Q. When was that?

15 A. I believe that was in April 2015 when Jung Bae Lee  
16 visited Netlist in Irvine to seek a license.

17 Q. For the product development side, you said you reached  
18 out in 2014. Who at Netlist reached out?

19 A. It was myself. We visited Samsung and met with the  
20 president of the memory business unit, as well as Jung Bae  
21 Lee, Hyun-Ki Ji, and a whole bunch of other executives.  
22 So -- and we had a group of five or six executives that flew  
23 out to Korea for the initial meetings regarding our HybridIMM  
24 product and a joint development with Samsung.

25 Q. Now, sir, the fee that's -- there's an \$8 million payment

1 has 31 minutes of designated trial time.

2 I will see you in the morning. I'll be available in  
3 chambers. Continue your meet and confer efforts overnight.

4 With that, we stand in recess until tomorrow.

5 (The proceedings were concluded at 6:15 p.m.)

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